

Regular Meeting  
June 12, 2003

A Regular Meeting of the Marilla Town Board was held June 12, 2003 at 7:30 p.m. at the Marilla Town Hall, 1740 Two Rod Road, Marilla, New York. Officials present were:

John R. Foss, Supervisor  
Earl Gingerich, Jr., Councilman  
Barbara Spanitz, Councilman  
Fred Specht, Councilman  
Absent: George Gertz, Councilman

Supervisor Foss called the meeting to order and the Pledge of Allegiance to the Flag was given.

### **Communications**

The Porterville Home Bureau donated \$50 toward expenses at the Community Center.

The New York State Department of Transportation approved the reduced speed limit to 45 mph on Bullis Road from the Elma Town line thru the portion of road that is currently 55 mph in the Town of Marilla.

### **Committee Reports**

Highway Superintendent Dave Pierce reported that the Town roadsides have been mowed and intersections swept.

Councilman Gingerich reported that the Sesqui-Centennial will be selling shirts at a booth in the Carnival, t-shirts \$10, sweat shirts \$15 and hats \$10 with a Sesqui-Centennial Logo. The next meeting will be held on June 25<sup>th</sup> at the Town Hall. He also reported that Memorial Day was a success, expenses were up from last year and he wanted to personally thank Carla Miley, the Firemen, Town Clerk's Office and many others for all their help.

Councilman Spanitz reported that she attended the DARE Graduation with Supervisor Foss for Iroquois School, DARE stands for Drug Abuse Resistance Education. She also stated that the Marilla Memorial Pavilion ground breaking ceremony was a great success.

Councilman Specht reported that the Assessors have a new copier on loan downstairs, the Building Inspectors and Assessors are both enjoying the benefits of being able to make large map copies.

Supervisor Foss reported that Councilman Gertz could not attend tonight's meeting but commented on the thorough job he is doing for the Town's Disaster Plan. He has been meeting with the County to up date our plan and has a copy of West Seneca's disaster plan which is considered to be the best, so we can try to be like their plan.

He reported on finance that the work session for June 24 has been changed to July 1. The purpose of this change is to accommodate Kotas and Kotas so we may have their expertise when considering the investment of the Firemen's Service award funds. I am sure there will be other issues on the table that night and it will be open to the public.

He stated that the bid proposals for the sidewalk around the new pavilion have been finished and will be in the paper this week. We will open bids at 7:30 pm on July 1<sup>st</sup>. The asbestos removal will take place June 16 thru June 20. The demolition will occur sometime during the following two weeks. Steve Tait, the contractor for the pavilion, indicated to me he plans on beginning work toward the end of June. Everything appears to be on schedule for projects in our new park area.

He explained that everything seems to be going smoothly with our senior ride program but remember this is a Federal program that requires approval every year. We have an opportunity to join the Going Places Van Service with Aurora and Elma and I am recommending we join just in case that program loses its funding. The Going Places Van also will transport to Buffalo and other more distant places that Rural Transit won't.

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He also reported that the Gas Station and Mini-Mart at the corner of Two Rod and Clinton will open Saturday morning at 4:30 am and will be open until midnight. I believe this will be their regular hours. Greg and Sandra Wiley and their daughter Amy will be the operators and they indicated to me their number one focus will be prompt service and quality food. I believe most of their food will be of short order variety until they determine what the public wants and they will adjust accordingly. We send our best wishes to the Wiley's that their business is a great success.

**Open Board Presentation From the Public**

None

**Old Business**

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to approve the Minutes from the Regular Meeting held on 5/8/03 and Special Meeting and Bid Opening held on 5/23/03. Motion Carried.

**New Business**

Motion: Councilman Specht moved, seconded by Councilman Spanitz to set the date for the public hearing on Local Law #1 for the year 2003 entitled "Amendment to the Code of the Town of Marilla Placing a Six Month Moratorium on the Granting of Special Permits for Construction and Operation of Golf Courses Within the Town" for July 10, 2003 at 7:30 pm. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to declare surplus a section of land on Lyndale Lane previously used as a turn around area for the Town Highway Department. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to authorize the Town Supervisor to sign a contract for the sale of the parcel of land on Lyndale Lane declared surplus to Jeffrey and Kelly Funk, residing at 11133 Lyndale Lane, adjacent to turn-around, purchaser is responsible for all costs of property transfer. Motion Carried.

Motion: Councilman Specht moved, seconded by Councilman Spanitz authorizing the Town to join the Going Places Van Service with East Aurora and Elma at a cost of approximately \$3,500 per year. This service would run in addition to the Rural Transit Service due to the limited area that Rural Transit will cover and the uncertainty of the future of this Federally funded program. Motion Carried.

Code Enforcement Officer, John Fronczek read a report concerning the property located at 12008 Williston Road, owned by Lynne Roche, he reported that after an inspection on June 9<sup>th</sup> work was moving along in agreement with the Town Board's Resolution and they are being given an additional 30 days to complete clean-up of the fire damaged property.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to authorize the Town Supervisor to attend the GFOA Conference to be held in Lockport at a cost of \$70. Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Specht to appoint Gregg Pruski of Bullis Road to the Maintenance Department at a pay rate of \$13.16 per hour to replace Dave Arnold. Motion Carried.

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- Motion: Councilman Specht moved, seconded by Councilman Gingerich to approve the consolidation of the Election Districts, from 6 down to 2 for the September 9, 2003 Primary. Motion Carried.
- Motion: Councilman Spanitz moved, seconded by Councilman Gingerich to award the low bidder, Zoladz Construction Co. Inc., located at 13600 Railroad St., Alden, NY 14004, at a cost of \$45,576 and an alternate bid item of \$5,000 for unforeseen work for the demolition of the old Agway building located on the corner of Bullis Road and West Avenue. Motion Carried.
- Motion: Councilman Gingerich moved, seconded by Councilman Specht to approve a flag lot on Three Rod Road owned by Walter Schmidt with the SBL# 140.00-12-3.1, this lot was previously approved by the Planning Board. Motion Carried.
- Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the new building permit fees as follows:

Residential Construction	Initial	Renewal
<u>New Construction</u>		
Below 2,000 square feet	\$300	\$150
2,001 to 2,500 square feet	\$375	\$187
2,501 to 3,000 square feet	\$450	\$225
Over 3,000 square feet	\$360 plus \$15 per additional 100 square feet	
(Renewal fee would be ½ initial fee)		
<i>Note: Porches, decks, fireplaces and garages shall be included in square footage</i>		
<u>Additions, Alterations</u>		
Up to 100 square feet	\$25	
Below 500 square feet	\$75	\$37
501 to 1,000 square feet	\$150	\$75
Over 1,000 square feet – \$.15 per foot		
<u>Detached Accessory Building</u>		
Below 140 square feet	No fee	No fee
140 to 600 square feet	\$75	\$37
601 to 1,000 square feet	\$120	\$60
Over 1,000 square feet - \$100 plus \$.12 per additional 100 square feet		
(Renewal fee would be ½ initial fee)		
<u>Multiple Dwelling</u>		
Each Unit		
Fees for each unit calculated as a single family unit.		
<u>Miscellaneous</u>		
Inground Swimming pools	\$30	\$30
Fireplaces, Chimneys, and Stoves	\$30	\$30
Signs	\$15	\$15
Ponds up to 2 acres	\$35	\$35
Decks and concrete, brick, or stone pads - \$6 per 100 square feet		
<b>Commercial Construction</b>		
Below 1,000 square feet	\$350	
Over 1,000 square feet - \$.35 per square foot		
Storage Tanks up to 1,500 gallons	\$100	
Storage Tanks 1,500 gallons and over	\$200	
ALL SEQR FEES WILL BE PAID BY APPLICANT		
ZONING BOARD APPLICATION FEE \$125		

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Agricultural Construction	Initial Fee	Renewal
<u><b>New Building Construction, Additions</b></u>		
Below 1,000 square feet	\$50	\$35
Over 1,001 square feet	\$75	\$45
Silos, Bunkers	\$25	\$25

**Telecommunication Towers**

- Up to 200 feet with antenna \$20 per linear foot, measured from grade to upper-most part.
- Over 201 feet \$40 per lineal foot over 200 feet
- Flat fee of \$1,000 for co-location on an existing telecommunication tower. \*

**Special Use Permits**

- Cell Tower \$450
- Essential Services excluding Power Plants No Fee
- Private Airstrips \$450
- Camping Grounds \$450
- Not for profit, public and semi public uses and Building, excluding Gun Clubs No fee
- Kennels \$60
- Commercial recreation uses, excluding firing ranges and amusement arcades and golf course \$450
- Gun Clubs and Firing Ranges See Local Law (1976)
- Amusement Arcades \$450
- Rooming Houses \$75
- Bed and Breakfast Establishments \$75
- Motor Vehicle Service Stations and Public Garages \$425
- Permit Renewal Required No Fee
- Multiple Housing Developments \$400
- Buildings Requiring Special Use Permits \$125
- Flag Lot Creations \$125

Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to authorize the Building Department to distribute a soil certification disclaimer with new building permits. Motion Carried.

Motion: Councilman Spanitz moved, seconded by Councilman Gingerich to approve the following resolution:

Authorizing the implementation, and funding in the first instance of the State Multi-Modal 2000 Program-aid [and State administered federal program-aid] eligible costs, of a capital project, and appropriating funds therefore.

WHEREAS, a Project for the Pavement Rehabilitation (Resurfacing) of Stolle & Eldridge Rds., P.I.N. ME2080.30A (the Project”) is eligible for funding [under Title 23 U.S. Code, as amended, and] New York State’s Multi-Modal 2000 Program administered by the NYS Department of Transportation (“NYSDOT”); and

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WHEREAS, the Town of Marilla desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVE, THAT THE town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Marilla to pay in the first instance 100% of the federal and non-federal share of the cost of construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$8,750 is hereby appropriated from General Fund [or, appropriated pursuant to MM 2000] and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Board of Trustees shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Treasurer thereof, and it is further

RESOLVED, that the Mayor of the Town of Marilla be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/ or Multi-Modal 2000 Program Funding on behalf of the Town of Marilla with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible., and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, THIS resolution shall take effect immediately.

RESOLVED, that a Certified Copy of this Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between Town of Marilla and the State of New York; and it is further

RESOLVED, that this Resolution shall take effect immediately.  
Motion Carried.

### Report of Town Officials

Councilman Specht commented that he would rather see a golf course in Town than a new subdivision because it doesn't impact the School tax like new homes would.

Supervisor Foss reported that on June 10<sup>th</sup> he attended a meeting in Buffalo called "A Buffalo Conversation" that he found interesting. It was nice to see Buffalo Residents and local Western New York Officials come together to discuss ideas on solutions to the City of Buffalo's problems.

Engineer Mike Smith from Nussbaumer and Clarke reported on the proposed Water District V, he explained that we are waiting for comment from Rural Development on the pre-eligibility of financing. The Town of Bennington has gone out for proposal for an Engineering firm for the water district. He felt we should move as quickly as possible. He also asked for Town Board approval to authorize the Supervisor to sign the Storm Water Discharge form for a set of standards and practices for storm water discharge.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to authorize the Supervisor to sign the notice of intent for Storm Water Discharge. Motion Carried.

Building Inspector John Fronczek submitted a written report with 12 building applications received with fees totaling \$1,251.00, 12 building permits issued with a total

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value of \$439,100.00, 9 inspections were made and 1 complaint was acted on. There were a total of 125 activities.

Town Attorney Nathan Neill reported that we had closed on the old Agway Building located on the corner of Bullis Road and West Avenue and we can commence demolition.

Planning Board minutes received and posted, planning board member Judy Gillman reported that the next meeting will be held on Thursday, June 20<sup>th</sup> at 7:30 pm.

CAB minutes have been received and posted.

The Town thanked Hubert Kutter for compiling the information on the history of a soldier for Memorial Day.

Resident Jacob Argauer asked if the rumor was true about a bank coming to Town ?

Supervisor Foss said he could not confirm that, he said Wyoming County Bank has a sign out front of the new gas station because they financed the business.

All claims have been previously reviewed by Councilman Spanitz and Councilman Gertz.

Motion: Councilman Specht moved, seconded by Councilman Spanitz to approve the claims as follows:

General Fund Claims, Vouchers 196-270	\$	108,432.01
Highway Fund Claims, Vouchers 90-109	\$	5,242.49
Special Districts		
Sanitation (SR), Vouchers 62-72	\$	8,204.39
Special Lighting, Voucher	\$	.00
Special Fire, Voucher 6	\$	4,742.00
Water District #2, Vouchers 16-21	\$	4,114.27
Water District #3, Vouchers 6-8	\$	5,368.42
Water District #4, Vouchers 6	\$	743.59
Community Develop. PACE voucher	\$	.00

Motion Carried.

Motion: Councilman Gingerich moved, seconded by Councilman Spanitz to adjourn at 8:10p.m. Motion Carried.

Respectfully submitted,

_____ Town Clerk	_____ Supervisor
_____ Councilman	_____ Councilman
_____ Councilman	_____ Councilman